

REMARKS

Claims 1, 3 and 5 are pending in the application.

Rejection under 35 U.S.C. §102/§103

Claims 1, 3 and 5 stand rejected under 35 U.S.C. § 102(a) as anticipated by, or in the alternative, under §103(a) as unpatentable over Turner, U.S. 6,331,233. Applicants respectfully traverse this rejection. Turner was previously cited by the Examiner in the Office Actions dated March 16, 2004 and November 29, 2004. In the Office Action of May 26, 2005, the §102 rejection based on Turner was withdrawn by the Examiner. Accordingly, the Examiner has already acknowledged that Claims 1, 3 and 5 are not anticipated by Turner.

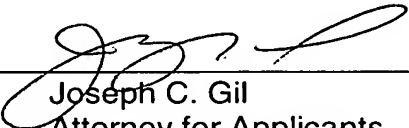
Claims 1, 3 and 5 are also not rendered obvious by Turner. It is asserted in the Office Action that because Turner teaches uniform texture throughout the thickness of the tantalum plate that the uniformity is "present in all directions" and somehow meets the limitation in Claim 1 of uniform texture "from center to edge", and also meets the claim limitation of "{100} and {111} crystallographic orientations that varies by less than 30 percent across the surface of any plane of said refractory metal plate...". Applicants disagree with these assertions. The data in the first declaration of Peter Jepson, submitted in the response of March 15, 2005, demonstrates that a plate prepared in accordance with Turner does not meet the above limitations. Since Turner does not disclose the sequence of steps used to make the refractory metal plates of the present invention, the plates of Turner do not inherently meet this limitation, nor is there any suggestion of how to achieve such uniformity as in the present invention. Applicants submit that Claims 1, 3 and 5 are patentable over Turner and respectfully request withdrawal of the §103 rejection.

CONCLUSION

Applicants submit that all outstanding issues have been addressed, and that Claims 1, 3 and 5 are in condition for allowance. Such action is respectfully requested at an early date.

Respectfully submitted,

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